

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RUTH M.,

Plaintiff,

v.

**6:22-CV-143
(FJS/DEP)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES

OF COUNSEL

OFFICE OF PETER W. ANTONOWICZ

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Rome, New York 13440
Attorneys for Plaintiff

PETER W. ANTONOWICZ, ESQ.

**SOCIAL SECURITY ADMINISTRATION
OFFICE OF GENERAL COUNSEL**

6401 Security Boulevard
Baltimore, Maryland 21235
Attorneys for Defendant

**FERGUS J. KAISER, ESQ.
CHRISTOPHER L. POTTER, ESQ.**

SCULLIN, Senior Judge

ORDER

Plaintiff brought this action pursuant to 42 U.S.C. § 405(g) seeking review of Defendant's final decision that she was not disabled. *See* Dkt. No. 1. The parties filed motions for judgment on the pleadings on July 29, 2022, and September 9, 2022. *See* Dkt. No. 12 (Plaintiff's motion); Dkt. No. 13 (Defendant's motion). Magistrate Judge Peebles issued a Report and Recommendation on November 15, 2022, *see* Dkt. No. 16, to which neither party filed any objections.

In his Report and Recommendation, Magistrate Judge Peebles recommended that the Court (1) grant Defendant's motion for judgment on the pleadings, *see* Dkt. No. 13, (2) deny Plaintiff's motion for judgment on the pleadings, *see* Dkt. No. 12, and (3) dismiss Plaintiff's complaint.

"When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice." *Young v. Polizzi*, No. 9:16-CV-660, 2018 WL 3949942, *1 (N.D.N.Y. Aug. 16, 2018) (quoting *Ward v. Lee*, No. 9:16-CV-1224, 2018 WL 3574872, *1 (N.D.N.Y. July 25, 2018) (citation omitted)). "After conducting this review, 'the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'"" *Id.* (quotation omitted).

The Court has reviewed Magistrate Judge Peebles' November 15, 2022 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Peebles' November 15, 2022 Report and Recommendation, *see* Dkt. No. 16, is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

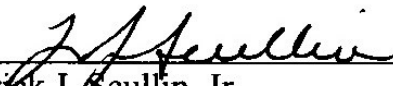
ORDERS that Plaintiff's motion for judgment on the pleadings, *see* Dkt. No. 12, is **DENIED**; and the Court further

ORDERS that Defendant's motion for judgment on the pleadings, *see* Dkt. No. 13, is **GRANTED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED.

Dated: December 19, 2022
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge